

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-cv-61291-LEIBOWITZ/AUGUSTIN-BIRCH

KRYSTIAN PENROD,

Plaintiff,

v.

KWH MERCHANDISING INC.,

Defendant.

ORDER

Before the Court is Defendant's Joint Stipulation to Withdraw as Counsel for Defendant (the "Motion") [ECF No. 16], filed on November 18, 2024. In the Motion, Defendant failed to certify that it conferred with Plaintiff prior to filing this Motion, so the Motion is due to be denied on those grounds.


Local Rule 7.1(a)(3) of the U.S. District Court for the Southern District of Florida provides:

Prior to filing any motion in a civil case, . . . counsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing), or make reasonable effort to confer (orally or in writing), with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be raised in the motion. . . . **At the end of the motion, and above the signature block, counsel for the moving party *shall certify* [in accordance herewith.]**

Id. (emphasis added). The Rule further states that "[f]ailure to comply . . . may be cause for the Court to grant or deny the motion and impose on counsel an appropriate sanction[.]" *Id.* Defendant failed to certify that it conferred with Plaintiff prior to filing the instant Motion. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Motion [ECF No. 16] is **DENIED WITHOUT PREJUDICE.**

DONE AND ORDERED in the Southern District of Florida on November 19, 2024.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record